

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMES EARL ADAMS,

Petitioner,

-v-

DALE ARTUS, Superintendent,,

Respondent.

DECISION AND ORDER
07-CV-0295A(Sc)

-PS_O-

FILED
U.S. DISTRICT COURT
W.D.N.Y. ROCHESTER
2007 MAY 24 PM 1:05

On May 7, 2007, petitioner, James Earl Adams, an inmate of a state correctional facility, filed a *pro se* petition under 28 U.S.C. § 2254 with respect to a judgment of conviction entered on May 29, 1987, in Erie County, New York, in which petitioner was convicted of two counts of Murder in the Second Degree, one count of Burglary in the First Degree and one Count of Criminal Possession of Weapon in the Second Degree. (Docket No. 1, Petition, ¶¶ 1-4). This is petitioner's second or successive petition with respect to the same judgment of conviction. Petitioner's previous § 2254 petition was filed in the Western District under civil number 91-CV-0240C.


According to 28 U.S.C. § 2244, before a district court may entertain a second or successive application for a writ of habeas corpus filed pursuant to § 2254, the petitioner must have first requested and obtained an order from the appropriate court of appeals which authorizes the filing of such a second or successive petition. The petition herein has not been so authorized. Therefore, in the interests of justice and pursuant to 28 U.S.C. § 1631, this petition shall be transferred to the Second Circuit Court of Appeals for a

determination of the authorization issue. See *Liriano v. United States of America*, 95 F.3d 119 (1996).

IT HEREBY IS ORDERED, that the petitioner's § 2254 petition is transferred to the Second Circuit Court of Appeals.

SO ORDERED.

Dated: May 24, 2007
Rochester, New York



CHARLES J. SIRAGUSA
United States District Judge